

## NAMES OF CERTAIN BUSINESSES

## CHAPTER 1195

S.B. No. 1313

## AN ACT

relating to the names of certain businesses.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 5.053(b), Business Organizations Code, is amended to read as follows:

(b) Subsection (a) does not apply if the other entity or the person for whom the name is reserved or registered, as appropriate, *provides to the secretary of state a notarized written statement of the entity's or person's consent* ~~[consents in writing]~~ to the use of the similar name.

SECTION 2. Section 5.102(b), Business Organizations Code, is amended to read as follows:

(b) Subsection (a) does not apply if the other entity or the person for whom the name is reserved or registered, as appropriate, *provides to the secretary of state a notarized written statement of the entity's or person's consent* ~~[consents in writing]~~ to the subsequent reservation of the similar name.

SECTION 3. Section 5.153(b), Business Organizations Code, is amended to read as follows:

(b) Subsection (a) does not apply if:

(1) the other entity or the person for whom the name is reserved or registered, as appropriate, *provides to the secretary of state a notarized written statement of the entity's or person's consent* ~~[consents in writing]~~ to the registration of the similar name; or

(2) the applicant is a bank, trust company, savings association, or insurance company that has been in continuous existence from a date that precedes the date the conflicting name is filed with the secretary of state.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

Passed the Senate on April 22, 2015: Yeas 29, Nays 1; passed the House on May 27, 2015: Yeas 143, Nays 1, two present not voting.

Approved June 19, 2015.

Effective June 19, 2015.

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POWERS AND DUTIES, THE CONSTRUCTION OF LAWS, AND  
THE ELECTION DATES OF CERTAIN GROUNDWATER  
CONSERVATION DISTRICTS

## CHAPTER 1196

S.B. No. 1336

## AN ACT

relating to the powers and duties, the construction of laws, and the election dates of certain groundwater conservation districts.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. BEXAR METROPOLITAN WATER DISTRICT. Section 52(a), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945, is amended to read as follows:

(a) Not later than *January 1, 2017* [~~five years after the date the election results were certified in favor of dissolution under Article 2 or 2A of the Act enacting this section~~], the System shall integrate the services and infrastructure of the District into the System in a reasonable and orderly manner. The Commission for good cause may grant an extension to complete integration of not more than three additional years. The System shall base the integration on the consideration of relevant information, including:

- (1) the location and condition of the infrastructure;
- (2) debt obligations;
- (3) prudent utility practices and fiscal policies;
- (4) costs and revenue; and
- (5) potential impacts on the customers of the District and the System.

**SECTION 2. CLEARWATER UNDERGROUND WATER CONSERVATION DISTRICT.** Section 6(a), Chapter 524, Acts of the 71st Legislature, Regular Session, 1989, is amended to read as follows:

(a) The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including *Chapter 36* [~~Chapters 50 and 52~~], Water Code, applicable to *groundwater* [~~underground water~~] conservation districts created under Article XVI, Section 59, of the Texas Constitution. This Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

**SECTION 3. CROCKETT COUNTY GROUNDWATER CONSERVATION DISTRICT.** Section 6(a), Chapter 712, Acts of the 71st Legislature, Regular Session, 1989, is amended to read as follows:

(a) The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including *Chapter 36 and Subchapters H and I, Chapter 49* [~~Chapters 50 and 52~~], Water Code, applicable to *groundwater* [~~underground water~~] conservation districts created under Article XVI, Section 59, of the Texas Constitution. This Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

**SECTION 4. AMENDMENT TO WATER CODE REGARDING EDWARDS AQUIFER AUTHORITY.** Subchapter D, Chapter 36, Water Code, is amended by adding Section 36.125 to read as follows:

*Sec. 36.125. EDWARDS AQUIFER AUTHORITY. (a) Except as provided by Subsection (b), this subchapter does not apply to the Edwards Aquifer Authority.*

*(b) Sections 36.102 and 36.118 apply to the Edwards Aquifer Authority.*

**SECTION 5. LOST PINES GROUNDWATER CONSERVATION DISTRICT.** Subchapter B, Chapter 8849, Special District Local Laws Code, is amended by adding Section 8849.055 to read as follows:

*Sec. 8849.055. LIABILITY. For liability purposes only, a director is considered a district employee under Chapter 101, Civil Practice and Remedies Code, even if the director does not receive fees of office voluntarily, by district policy, or through a statutory exception to this section. A director is immune from suit and immune from liability for official votes and official actions.*

**SECTION 6. MESA UNDERGROUND WATER CONSERVATION DISTRICT.** (a) Section 6(a), Chapter 669, Acts of the 71st Legislature, Regular Session, 1989, is amended to read as follows:

(a) The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including *Chapter 36* [~~Chapters 50, 51, and 52~~], Water Code, applicable to *groundwater* [~~underground water~~] conservation districts created under Article XVI, Section 59, of the Texas Constitution. This Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

(b) Section 10, Chapter 669, Acts of the 71st Legislature, Regular Session, 1989, is amended to read as follows:

Sec. 10. ELECTION OF DIRECTORS. On the *uniform election date* ~~[first Saturday]~~ in May of *each even-numbered year* ~~[the second year after the year in which the district is authorized to be created at a confirmation election]~~, an election shall be held in the district to elect the appropriate number ~~[for the election]~~ of directors. ~~[Directors elected from commissioner precincts 2 and 4 shall each serve two-year terms and directors elected from commissioner precincts 1 and 3 and the district at large shall each serve four-year terms. Thereafter, on the same date in each subsequent second year, the appropriate number of directors shall be elected to the board.]~~

SECTION 7. SANDY LAND UNDERGROUND WATER CONSERVATION DISTRICT. (a) Section 6, Chapter 673, Acts of the 71st Legislature, Regular Session, 1989, is amended by adding Subsection (c) to read as follows:

(c) *If there is a conflict between Chapters 36 and 49, Water Code, Chapter 36 prevails.*

(b) Section 10, Chapter 673, Acts of the 71st Legislature, Regular Session, 1989, is amended to read as follows:

Sec. 10. ELECTION OF DIRECTORS. On the *uniform election date* ~~[first Saturday]~~ in May of *every other* ~~[the second year after the year in which the district is authorized to be created at a confirmation election]~~, an election shall be held in the district for the election of two directors who shall each serve two-year terms and three directors who shall each serve four-year terms. Thereafter, on the same date in each subsequent second year, the appropriate number of directors shall be elected to the board.

SECTION 8. SANTA RITA UNDERGROUND WATER CONSERVATION DISTRICT. Section 6(a), Chapter 653, Acts of the 71st Legislature, Regular Session, 1989, is amended to read as follows:

(a) The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36 ~~[Chapters 50 and 52]~~, Water Code, applicable to *groundwater* ~~[underground water]~~ conservation districts created under Article XVI, Section 59, of the Texas Constitution. This Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

SECTION 9. SARATOGA UNDERGROUND WATER CONSERVATION DISTRICT. Section 6, Chapter 519, Acts of the 71st Legislature, Regular Session, 1989, is amended by adding Subsection (c) to read as follows:

(c) *If there is a conflict between Chapters 36 and 49, Water Code, Chapter 36 prevails.*

SECTION 10. SOUTH PLAINS UNDERGROUND WATER CONSERVATION DISTRICT. (a) Section 5(a), Chapter 46, Acts of the 72nd Legislature, Regular Session, 1991, is amended to read as follows:

(a) The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36 ~~[Chapters 50 and 52]~~, Water Code, applicable to *groundwater* ~~[underground water]~~ conservation districts created under Article XVI, Section 59, of the Texas Constitution. This Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

(b) Section 11, Chapter 46, Acts of the 72nd Legislature, Regular Session, 1991, is amended to read as follows:

Sec. 11. ELECTION OF DIRECTORS. On the *uniform election date* ~~[first Saturday]~~ in May of *even-numbered years* ~~[the second year after the year in which the district is authorized to be created at a confirmation election]~~, an election shall be held in the district to elect the appropriate number ~~[for the election]~~ of ~~[the]~~ directors ~~[for Precinct Nos. 1 and 3, who shall each serve two-year terms, and the directors for Precinct Nos. 2 and 4 and for the district at large, who shall each serve four-year terms. Thereafter, on the same date in each subsequent second year, the appropriate number of directors shall be elected to the board].~~

SECTION 11. SUTTON COUNTY UNDERGROUND WATER CONSERVATION DISTRICT. (a) Section 15(e), Chapter 377, Acts of the 69th Legislature, Regular Session, 1985, is amended to read as follows:

(e) The district shall hold an election in the district to elect directors on the *uniform election date* ~~[first Saturday]~~ in May of each odd-numbered year.

(b) Section 17, Chapter 377, Acts of the 69th Legislature, Regular Session, 1985, is amended to read as follows:

Sec. 17. STATUTORY INTERPRETATION. *Except as otherwise provided by this Act, if [H] there is a conflict between this Act and Chapter 49, 51, or 36 [52], Water Code, this Act controls. If there is a conflict between Chapter 49 or 51, Water Code, and Chapter 36 [52], Water Code, Chapter 36 [52] controls.*

SECTION 12. AMENDMENT TO WATER CODE. Section 36.0151(f), Water Code, is amended to read as follows:

(f) Before September 1, 2021 [2015], the commission may not create a groundwater conservation district under this section in a county:

- (1) in which the annual amount of surface water used is more than 50 times the annual amount of groundwater produced;
- (2) that is located in a priority groundwater management area; and
- (3) that has a population greater than 2.3 million.

SECTION 13. TERMS OF OFFICE. The governing body of a groundwater conservation district for which the election date has changed under the laws amended by this Act shall adjust the terms of office to conform to the new election date, if applicable.

SECTION 14. NOTICE. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 15. EFFECTIVE DATE. This Act takes effect September 1, 2015.

Passed the Senate on April 16, 2015: Yeas 31, Nays 0; the Senate concurred in House amendments on May 29, 2015: Yeas 30, Nays 1; passed the House, with amendments, on May 27, 2015: Yeas 141, Nays 0, three present not voting.

Approved June 19, 2015.

Effective September 1, 2015.

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## EXEMPTION FROM THE SALES TAX FOR CERTAIN WATER-EFFICIENT PRODUCTS FOR A LIMITED PERIOD

### CHAPTER 1197

S.B. No. 1356

#### AN ACT

relating to exemption from the sales tax for certain water-efficient products for a limited period.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Subchapter H, Chapter 151, Tax Code, is amended by adding Section 151.3335 to read as follows: